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CIVIL AND POLITICAL RIGHTS

Note verbale dated 13 September 2001 from the Permanent Mission of Peru to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Peru to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to its note 55 of 11 June 2001, in which it reported on the recent establishment in Peru of the Commission on the Truth.

In this connection, the Permanent Mission of Peru is pleased to attach to the present note the texts of Supreme Decree No. 101-2001-PCM, which changed the name of the Commission on the Truth to the Truth and Reconciliation Commission, and of Supreme Decision No. 438-2001-PCM, which appointed five additional members of the Commission.*

The Permanent Mission of Peru would be grateful if the Office of the High Commissioner for Human Rights would have those texts distributed as official documents of the fifty-eighth session of the Commission on Human Rights and transmitted to the various committees and working groups that make up the United Nations system in the area of human rights.

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* Reproduced as received in the original Spanish, and in English.

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Annex

SUPREME DECREE NO. 101-2001-PCM

The President of the Republic

Considering:

That by Supreme Decree No. 065-2001-PCM the Commission on the Truth was established to bring to light the process, events and responsibilities involved in the terrorist violence and violations of human rights which took place from May 1980 to November 2000, committed both by terrorist organizations and by State agents, and to propose initiatives to strengthen peace and harmony among Peruvians;

That one of the essential aims of the Commission is to lay the foundations for a profound process of national reconciliation by shedding light on the facts and re-establishing justice;

That for that reason it is appropriate to change the name of the Commission on the Truth to the Truth and Reconciliation Commission;

That pursuant to article 4 of the Decree it is established that the Commission on the Truth shall be composed of seven persons of Peruvian nationality, eminent members of society with high moral standards and known to be defenders of democracy and the constitutional order, those members being appointed by the President of the Republic by supreme decision, with the approval of the Council of Ministers;

That it is appropriate to increase the membership of the Commission from 7 to 12, in order to include in it eminent persons who meet the same requirements and thereby help achieve the ambitious aims proposed for the coming months;

That, in view of that situation and the scope of the work the Commission will have to undertake, an extension of the period of organization as laid down in article 7 of the Decree is called for;

In conformity with the provisions of article 118, paragraph 24, of the Political Constitution of the State and of Legislative Decree No. 560 - Act on the Executive:

With the approval of the Council of Ministers;

Decrees as follows:

Article 1. The name of the Commission on the Truth, established by Supreme Decree No. 065-2001-PCM, is hereby changed to the Truth and Reconciliation Commission.

Article 2. Article 4 of Supreme Decree No. 065-2001-PCM is hereby amended to read as follows:

"Article 4. The Truth and Reconciliation Commission shall be composed of no more than 12 persons of Peruvian nationality, eminent members of society with high moral standards and known to be defenders of democracy and the constitutional order. The President of the Republic, with the approval of the Council of Ministers, shall appoint the members of the Commission by supreme decision authenticated by the President of the Council of Ministers."

Article 3. The Truth and Reconciliation Commission shall be granted an additional period of 30 days to complete the organization of its work and the preparation of the relevant statutory documents. This period is granted without prejudice to the period of 18 months referred to in article 7 of Supreme Decree No. 065-2001-PCM.

Article 4. This supreme decree shall be authenticated by the President of the Council of Ministers, the Minister of Defence, the Minister of the Interior, the Minister of Justice and the Minister for Foreign Affairs.

DONE at Government House, Lima, on 31 August 2001.

Alejandro Toledo
President of the Republic

Fernando Rospigliosi C.
Minister of the Interior

Roberto Dañino Zapata
President of the Council of Ministers

Fernando Olivera Vega
Minister of Justice

David Waisman Rjavinsthi
Minister of Defence

Diego Garcia-Sayán Larrabure
Minister for Foreign Affairs

SUPREME DECISION NO. 438-2001-PCM

Lima, 5 September 2001

Considering:

That by Supreme Decree No. 101-2001-PCM, article 4 of Supreme Decree No. 065-2001-PCM was amended to the effect that the Truth and Reconciliation Commission shall be composed of 12 persons, eminent members of society with high moral standards and known to be defenders of democracy and the constitutional order;

That those members shall be appointed by the President of the Republic by supreme decision, with the approval of the Council of Ministers;

That it is necessary to appoint the five members who will complete the membership of the Truth and Reconciliation Commission;

In conformity with the provisions of Supreme Decree No. 065-2001-PCM, amended by Supreme Decree No. 101-2001-PCM and Legislative Decree No. 560:

With the approval of the Council of Ministers;

It is decided as follows:

Article 1. The following persons shall be appointed members of the Truth and Reconciliation Commission:

Monsignor José Antúnez de Mayolo Larragán
Ms. Sofía Macher Batanero
Lt. General of the Peruvian Armed Forces (r) Luis Alfonso Arias Graziani
Mr. Rolando Ames Cobián
Rev. Humberto Lay Sun.

Article 2. Monsignor Luis Armando Bambarén Gastelumendi shall take part as an observer in the work of the Truth and Reconciliation Commission.

Article 3. This supreme decision shall be authenticated by the President of the Council of Ministers.

Let it be so recorded, advertised and published.

Initials of Dr. Alejandro Toledo
President of the Republic

Roberto Dañino Zapata
President of the Council of Ministers